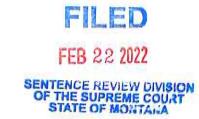
Sentence Review Division 301 S. Park, Suite 328 P.O. Box 203005 Helena, MT 59620-3005

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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-12-087
Plaintiff,) Lewis & Clark County District Court
-VS-)
) Montana First Judicial District
JONATHAN ARTHUR CASSEL,)
) DECISION
Defendant.)
	<u> </u>

On September 8, 2021, the Court found the Defendant in violation of the terms and conditions of the sentence imposed on May 21, 2020, revoked the suspended sentence, and sentenced the Defendant to the Department of Corrections for a period of two (2) years, with a recommended placement in Connection Corrections to actively participate in a treatment plan, for the offense of Count I: Criminal Possession of Dangerous Drugs, a felony, in violation of §45-9-102, MCA. The Defendant was credited for time served for the following: March 18, 2012 – April 12, 2012, March 30, 2020 – April 22, 2020, and August 11, 2021 – September 8, 2021. The Defendant was also credited for street time from April 22, 2020 – April 16, 2021.

On February 10, 2022, the Defendant's Application for review of that sentence came on for hearing by Zoom videoconference before the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared from the Lewis and Clark County Detention Facility and was represented by Dan Biddulph, Defense Counsel. The State was represented by Fallon Stanton, Deputy County Attorney. Hon. Luke Berger recused himself from participation in the hearing, deliberation, and Decision in this matter.

Before hearing the Application, the Defendant was given the opportunity to proceed with two panel judges reviewing and making the Decision on the Application or if he wished to continue the hearing to the May 2022 sentence review hearings so a substitute judge can participate to form a three-judge panel. The Defendant agreed to proceed with a two-judge panel. The Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the

Division. The Defendant acknowledged that he understood this and stated that he wished to proceed. The Defendant did not give a statement.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the majority decision of the Division that the sentence is AFFIRMED.

DATED this 21st day of February, 2022.

SENTENCE REVIEW DIVISION

Hon. Jessica Fehr, Chair

Hon. Dan Wilson, Member

Copies mailed or emailed this day of February, 2022, to:

Clerk of District Court - via email

Jonathan Arthur Cassel #3009676, Defendant (2)

Hon. Michael F. McMahon - via email

Dan Biddulph, Defense Counsel - via email

Fallon Stanton, Esq. - via email

Board of Pardons and Parole - via email

MSP - Records Dept. - via email

Shelly Smith, Office Administrator

Sentence Review Division

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